

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

ORDER OF DISMISSAL WITH PREJUDICE

In consideration of the Parties' Stipulated Motion for Dismissal of Plaintiff's claims against Defendant Bank of America Corporation with prejudice and all counterclaims and pending motions between the parties as moot, the Stipulated Motion for Dismissal is GRANTED, and it is ORDERED, ADJUDGED AND DECREED that all claims asserted in this suit by Plaintiff against Defendant are hereby dismissed with prejudice and all counterclaims and pending motions between the parties are dismissed and denied as moot, subject to the terms of that certain agreement entitled "BANK OF AMERICA SETTLEMENT AGREEMENT" dated August 31, 2009.

It is further ORDERED that all attorneys' fees and costs are to be borne by the Party that incurred them.